



CITY OF DURHAM | DURHAM COUNTY  
NORTH CAROLINA



**Meeting Date:** June 20, 2016

Reference Name	TW/55 Multifamily (A1500013)		Review Jurisdiction	City
Applicant	Hopper Communities (Bart Hopper)			
Proposed Future Land Use Map Amendment	From: Industrial (3.66 ac.) and Medium Density Residential (6-12 DU/Ac.) (14.08 ac.) To: Medium-High Density Residential (8-20 DU/Ac.)(17.74 ac.)			
Site Characteristics	Tier:	Suburban		
	Present Use	Vacant		
	Size of Future Land Use Amendment	17.74 acres		
	Size of Zoning Map Change	26.08 acres		
Location	5627 NC 55 Highway at the intersection with T.W. Alexander Drive			
Overlay District(s)	F/J-B			
PIN	0737-01-16-9142 (partial), -26-4307 (partial), -25-4873 (partial)			
Staff Recommendation	Approval, based on consideration of adopted plans, compatibility, impacts, and site dimensions.			
Planning Commission Recommendation	Approval, 11-2 on April 12, 2016 based on consideration of adopted plans, compatibility, impacts, and site dimensions and information heard at the public hearing.			

## A. Summary

The applicant is proposing to change the Future Land Use Map (FLUM) designation for a portion of three parcels of land located at 5627 NC 55 Highway at its intersection with T.W. Alexander Drive from Industrial (3.66 acres) and Medium Density Residential (6-12 DU/Ac.) (14.08 acres) to Medium-High Density Residential (8-12 DU/Ac.) (17.74 ac.) to allow for the accompanying zoning map change, case Z1500032, to be consistent with the mapped policy guidance for the site. The associated zoning application proposes a residential density between 8.000 and of 12.506 DU/Ac. which is consistent with the requested Medium-High Density Residential (8-20 DU/Ac.) FLUM category. Staff is recommending approval of this plan amendment request.

An 8.34-acre portion of the subject site is presently designated as Recreation and Open Space; no change is being requested for this area.

This request is also part of a consolidated land use item including a petition for annexation and utility extension agreement which will be considered along with the plan amendment and zoning map change requests as a single item by Council.

## **B. Site History**

There have been no recent development applications on this site.

## **C. Existing Site Characteristics**

The 26.08-acre site is in the Suburban Tier and includes three parcels at 5627 NC 55 Highway and 474 and 462 T.W. Alexander Drive; on the north and east side of NC 55 Highway's intersection with T.W. Alexander Drive. The undeveloped and forested site is bisected by a stream and associated floodway fringe flowing west to Northeast Creek.

## **D. Criteria for Plan Amendments**

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan* (see UDO Section 3.4.7, Criteria for Planning Commission Recommendations). The proposed plan amendment has been evaluated against these criteria.

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and/or designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject site is of adequate shape and size to accommodate the proposed change.

### **1. Criteria A: Consistency with Adopted Plans and Policies**

The *Comprehensive Plan* is a policy document intended to guide growth and development in an organized and efficient manner. The Plan addresses a range of topics related to land use, housing, community character, environment and conservation, transportation, and more. The following policies were determined to be relevant in evaluating the subject plan amendment request:

**2.1.3d Residential Defined.** *Primarily land designated for a range of residential densities and uses. Table 2-1 displays the residential future land use categories that are allowed within each Tier.*

**Staff Analysis:** The requested residential land use category is consistent with Table 2-1 which allows the Medium-High Density Residential (4 DU/Ac. or less) in the Suburban Tier.

**2.1.3i Industrial Defined.** *Land used primarily for industrial uses, including but not limited to manufacturing, processing, warehousing and distribution, resource extraction, research and development, flex space and service uses. This land use category may be accommodated by any industrial zoning district.*

**Staff Analysis:** The existing zoning designations on the site are Commercial Neighborhood (CN) and Residential Rural (RR) and the accompanying zoning map change proposes the Residential Suburban – Multifamily (RS-M) district. This plan amendment request proposes to remove the Industrial designation on the site which would not violate policy 2.1.3i.

**2.2.2b Suburban Tier Land Uses.** *Land uses that shall be allowed in the Suburban Tier include:*

- i. Recreation and Open Space;*
- ii. Agricultural;*
- iii. Residential;*
- iv. Institutional;*
- v. Commercial;*
- vi. Research/Research Applications; and*
- vii. Industrial*

**Staff Analysis:** The requested residential land use category is consistent with policy 2.2.2b.

**Policy 2.3.1a. Contiguous Development.** *Support orderly development patterns that take advantage of existing urban services, and avoid, insofar as possible, patterns of leapfrog, noncontiguous, scattered development.*

**Staff Analysis:** This proposal supports orderly development patterns per Policy 2.3.1a by developing a site that is adjacent to existing development.

**Policy 2.3.2a., Infrastructure Capacity.** *In evaluating changes to the Future Land use Map and Zoning Atlas, the City-County Planning Department shall consider impacts to the existing capacities of the transportation, water, and sewer systems, and other public facilities and services. In order to assess the impact on infrastructure and services of changes to the Future Land Use and Zoning Maps, the City-County Planning Department shall measure from the potential maximum impact of current policy or regulation to the potential maximum impact of the proposed change in policy or regulation.*

**Staff Analysis:** The site could accommodate the proposed use. Existing road infrastructure has sufficient capacity to accommodate any potential impacts. A Traffic Impact Analysis (TIA) was performed in conjunction with the

associated zoning map change (see case Z1500032); the associated development plan includes the recommendations of the TIA study as text commitments. As part of the associated annexation request, a utility extension agreement to provide water and sewer services to the site will be considered at the time of Council consideration. Preliminary data suggests that water and sewer capacity is available to serve this site.

**Policy 2.5.2e., Demand for Land Uses.** *In evaluating changes to the Future Land Use Map, the Governing Boards, the City-County Planning Commission, and the City-County Planning Department shall consider the projected need for requested land use in the future, in accordance with Table 2-4, as may be updated from time to time.*

**Staff Analysis:** The intent of this policy is to ensure that sufficient land is available to meet the future demand for land uses. Removing 3.66 acres of Industrial would not impact the proposed capacity needed for the projected 2035 demand; thus, resulting in a 5,696 acre surplus gap. Increasing the proposed maximum residential for 17.74 acres, in addition to adding the proposed 3.66 acres from Industrial, would result in 21.4 acres allowing a maximum of 20 DU/Ac., or 354 dwelling units. The addition of 354 dwelling units would increase residential capacity gap to 36,177 dwelling units. The proposed plan amendment would not result in any projected land use capacity shortage.

Table 1: Land Use Demand Analysis				
Land Use	Projected Demand, 2035	Future Land Use Capacity	Request	New Future Land Use Capacity
Industrial (acres)	10,500	16,200	Remove 3.66	16,196
Residential (dwelling units)	189,000	225,000	Adds 177*	225,177

**\*Assumption:** remove 177 units (14.8 ac. x 12 DU/Ac.) and adding 354 units (17.74 ac. x 20 DU/Ac.). Net change is an additional 177 units (354 units minus 177 units).

**7.1.7a Water Demand Generation Rates.** *The City-County Planning Department shall utilize the most recent information on water demand, as provided by the Water Management Department to determine and report the impact of the proposed zoning and plan amendment changes on water demand.*

**Staff Analysis:** Water infrastructure demand is being evaluated with the associated annexation and utility extension agreement request and will be presented to Council, along with this plan amendment and associated zoning map change report, for consideration as a single item.

**Staff Conclusion:** Staff concludes the proposed change is consistent with the intent, goals, objectives, policies, and guiding principles of any applicable adopted plan per UDO 3.4.7A.

## 2. Criteria B: Compatibility with Existing Development and Future Land Use Patterns

The 26.08-acre site is in the Suburban tier and includes three parcels at 5627 NC 55 Highway and 474 and 462 T.W. Alexander Drive; on the north and east side of NC 55 Highway's intersection with T.W. Alexander Drive. The undeveloped and forested site is bisected by a stream and associated floodway fringe flowing west to Northeast Creek. The site is less than a mile from Durham County's southern boundary and approximately 1/2 mile south of the Suburban Transit Area that includes the intersection of East NC 54 Highway and NC 55 Highway. There is a commercial node at the intersection of these highways and is bordered by floodplain associated with Northeast Creek on the west and the 100-foot railroad right-of-way to the east. This site is isolated from the highway-oriented uses to the north by Burdens Creek and associated floodplain. To the east is an apartment development which extends to Research Triangle Park, less than ¼ mile to the east, which serves as an employment center for the region. The uses along NC 55 Highway and south of T.W. Alexander Drive are developed as industrial or vacant nonresidential.

Table 2: Area Land Uses and Designations		
	Existing Uses	Future Land Use Designations
North	Office, undeveloped	Medium Density Residential (6-12 DU/Ac.) and Recreation and Open Space
East	Multi-family residential	Medium Density Residential (6-12 DU/Ac.) and Recreation and Open Space
South	Undeveloped	Industrial
West	Industrial	Recreation and Open Space, Institutional

**Staff Analysis:** Amending the future land use designation of the site from Industrial and Medium Density Residential (6-12 DU/Ac.) to Medium-High Density Residential (8-20 DU/Ac.) for residential (see accompanying zoning map change report Z1500032) would allow the extension of residential from the east to infill an isolated site bordered by rights-of-ways and floodplain.

**Staff Conclusion:** In consideration of UDO 3.4.7B, staff concludes the proposed plan amendment is compatible with the existing development in the area because it accommodates an extension of a similar use from the east.

## 3. Criteria C: Substantial Adverse Impacts

When evaluating plan amendment proposals, through Criteria A (consideration of adopted policies) and Criteria B (consideration of compatibility) staff assesses potential impacts to the adjacent area and City and County in general.

**Staff Conclusion:** The proposed amendment is not projected to have any substantial adverse impacts in the adjacent area or the City or County in general. The proposed land use would allow similar development to the properties already developed in the area.

#### **4. Criteria D: Adequate Shape and Size**

The area for which an amendment is requested is 17.74 acres, and is of sufficient shape and size for a residential development at a density accommodated by the residential future land use designation in the Suburban Tier.

**Staff Conclusion:** The site is of adequate shape and size to accommodate the use pursuant to the proposed change and therefore meets criterion 3.4.7D.

#### **E. Applicant's Plan Amendment Justification**

The applicant has provided a justification to explain their reasoning for the plan amendment request. While Planning Staff has reviewed the document, staff makes no representation regarding support or critique of the views offered. Please refer to Attachment 4, Applicant's Justification Statement.

#### **F. Notification**

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- North Garrett Road Committee
- Fayetteville Street Planning Group
- Unity in the Community for Progress

#### **G. Recommendations**

Staff recommends approval, based on consideration of adopted plans, compatibility, impacts, and site dimensions.

Planning Commission recommends approval, by a vote of 11-2 on April 12, 2016, based on consideration of adopted plans, compatibility, impacts, and site dimensions and information heard at the public hearing.

#### **H. Staff Contacts**

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**I. Attachments**

Attachment 8, Proposed Change

Attachment 9, Applicant Justification

Attachment 16, Planning Commission Summary

Attachment 20, Comprehensive Plan Amendment Resolution